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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,473	03/30/2004	Jeffry N. Zolkower	DP-311118	3263
22851	7590	02/08/2006	EXAMINER	
DELPHI TECHNOLOGIES, INC. M/C 480-410-202 PO BOX 5052 TROY, MI 48007			HAUGLAND, SCOTT J	
			ART UNIT	PAPER NUMBER
			3654	

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/812,473	ZOLKOWER, JEFFRY N.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Scott Haugland	3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 March 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>3/30/04</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

### ***Claim Objections***

Claims 8 and 10 are objected to because of the following informalities: In claim 8, line 28, "passages" is misspelled. In claim 10, line 1, "wherein" is misspelled. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webber et al (U.S. Pat. No. 6,648,260) in view of Rohrle (U.S. Pat. No. 6,216,972).

Webber et al discloses a dual level load limiting belt retractor comprising: a housing 132 having a rotatable take-up spool 136 connected to a belt, a lock 150 for locking the take-up spool against rotation in a pay-out direction, a first torsion bar 138 to provide a high level load limit for resisting paying-out the belt, a second torsion bar 144 to provide a low level load limit, and a switching mechanism 149 to switch between the high level load limit and the low level load limit.

Webber et al does not disclose an auxiliary load limit mechanism.

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Rohrle teaches providing a seat belt reel with an energy absorbing mechanism including a torsion bar 102 coupled to a deformable generally C-shaped wire 22 to provide a more desirable limiting force on the seat belt (col. 4, lines 42-55). The wire 22 passes through curved passages in duct 20 formed by baffles and anvils and is wound into a circular shape.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the seat belt retractor of Webber et al with an auxiliary load limit mechanism associated with at least the second torsion bar and comprising a generally C-shaped wire disposed in a sinous guide having a plurality of curved passages that permanently reshape the wire as taught by Rohrle to provide a more desirable load limiting force curve than is produced by a torsion bar alone.

Claim 4, 6-8, and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webber et al (U.S. Pat. No. 6,648,260) in view of Rohrle (U.S. Pat. No. 6,216,972) as applied to claims 1, 3, and 9 above, and further in view of Tsuge et al (U.S. Pat. No. 4,323,205).

Webber et al does not disclose that the wire has a circular cross section.

Tsuge et al teaches using a wire having a circular cross section as a load limiting member in a seat belt retractor.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the seat belt retractor of Webber et al as modified with an auxiliary load limiting mechanism comprising a wire having a circular cross section

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as taught by Tsuge et al to allow the wire to extend axially as it is wound, reducing the space required in the radial direction.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Keller et al (U.S. Pat. No. 5,788,177), Kawamoto (U.S. Pat. No. 5,975,451), Nagata et al (U.S. Pat. No. 6,481,660), Nagata et al (U.S. Pat. No. 6,598,822), and Bell et al (U.S. Pat. No. 6,676,059) are cited to show seat belt retractors having deformable wire force limiting elements. Wier (U.S. Pat. No. 6,206,315), Fugel et al (U.S. Pat. No. 6,241,172), and Specht et al (U.S. Pat. No. 6,290,159) are cited to show seat belt retractors having more than two load limiting means.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Haugland whose telephone number is (571) 272-6945. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*sjh*  
sjh  
2/1/06

*Kathy Matecki*

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